
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

WILLIAM E. BINGHAM,

Plaintiff,

*versus*CHRISTOPHER FARRELL, *et al.*,

Defendants.

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CIVIL ACTION NO. 9:23-CV-228

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff William E. Bingham, a prisoner previously confined at the Wainwright Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Christopher Farrell, Donald E. Muniz, and Lieutenant Caballaro.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. On January 23, 2024, the magistrate judge submitted a Report and Recommendation recommending dismissing the action pursuant to 28 U.S.C. § 1915(e) for failure to state a claim.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Plaintiff's deprivation of property claim is not cognizable in a

§ 1983 action because the Texas tort of conversion provides an adequate post-deprivation remedy.
Brewster v. Dretke, 587 F.3d 764, 768 (5th Cir. 2009).

ORDER

Accordingly, Plaintiff's objections (#11) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#8) is **ADOPTED**. A final judgment will be entered in accordance with this order.

SIGNED at Beaumont, Texas, this 1st day of May, 2024.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE